

LJ

Notice of Allowability	Application No.	Applicant(s)	
	09/696,378	CHEN ET AL.	
	Examiner	Art Unit	
	Sow-Fun Hon	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment dated 01/05/05.
2. The allowed claim(s) is/are 3-11,15-20,22,23,26 and 37.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date 01/13/05.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date 01/13/05.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa Lindquist on 01/07/05.

CHANGES TO DRAWINGS

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the informal drawings need to be substituted with formal drawings using clean lines and formatted text. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: The closest cited prior art WO 95/18647 fails to teach or suggest, even in combination with US 5,248,305, an inflatable medical balloon which is mounted on a catheter, and has a determined preinflation length, restricted longitudinal and radial characteristics, a circumference and a longitudinal axis, composed of a micro-composite material comprising a polymer matrix component with a polymer fibril component distributed in the polymer matrix, the polymer fibril component having micro-fibers oriented substantially parallel or diagonally to the longitudinal axis of the balloon,

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the polymer fibril component composed of one or more members selected from the group consisting of rigid-rod thermoplastic, semi-rigid rod thermoplastic, and liquid crystal polymer, which are stronger than the matrix material and have bulk elongation between 50 % and 150 %, which is less than the matrix material, and the fibril component and the matrix component operatively adhere to one another.

Both WO 95/18647 and US 5,248,305, fail to teach that the liquid crystal polymer fibril is stronger than the matrix of the medical balloon, and has bulk elongation between 50 % and 150 % which is less than the bulk elongation of the matrix material, and that the fibril component and the matrix component operatively adhere to one another. Applicant's specification teaches that it is important that the fibril component and the matrix component adhere to one another, and that the bulk elongation be between 50 % and 150 %, in order to restrict the longitudinal expansion of the medical balloon; and that it is desirable for the liquid crystal polymer fibril to be stronger than the matrix (higher tensile strength) in order to avoid fibril core breakage prior to the balloon bursting (page 7, lines 13-22). Liquid crystal polymer is a species of the genus group consisting of rigid-rod thermoplastic and semi-rigid rod thermoplastic.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon.

Sow-Fun Hon

01/14/05


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

1/14/05